

Called to order: 7:05

Present: Jennifer Landman, Lloyd Sullivan-Chair, Jack Steiner (also taking these minutes). Absent: TA Russ McAllister

**I.** There was a brief ceremony whereby Town Clerk Dolores Chase swore in Officer Michael Madocks as Sergeant.

**II. North Hampton Forever**

Roland Neves gave an update of activities: Areas of Town have been divided into quadrants, for purposes of research for the acquisition of easements, between Chris Ganotis, Tim Harned, Phil Wilson, and Roland Neves. Bob Field explained his recommendation of hiring a bond counsel to come to NHNH for a day to perform research and make suggestions in preparation for the best approach to seeking a bond. The Conservation Commission had voted their support for spending up to \$5,000 for research in this area. Mr. Field emphasized the uniqueness of warrant article and the importance of the Town 'doing it right'. He proposed that we hire a Mr. Beinfield to spend a long day developing the best picture of NHNH for a bond sale. He expected the cost for this to be about \$2,500 plus expenses. Henry Mixer reminded all of the upcoming meeting with the NH Municipal Bond Bank on 4/24. Tim Harned expressed the unanimous support of the NH Forever Com. for this approach. Bob Landman suggested another consultant familiar with the land aspects of the project. **Motion:** Jennifer Landman- To authorize up to \$5,000 from Conservation Com. Capital Reserve Fund, to be repaid to the Fund from the bond issue, for research. Jack Steiner seconded the motion. Phil Wilson cautioned against being too quick to hire consultants, who smell the money and may attempt to perpetuate their services. Bob Field said we could spend \$50-75,000 in preparation for a bond issue. Motion carried unanimously.

**III. Water Quality Commission:**

Larry Miller and Tim Harned gave an update. The State of NH DES has legal issues with the confidentiality of the water quality reports by private homeowners, and they are working on resolving them.

**IV. Brian Susnock-Destek COO**

Mr. Susnock made a presentation regarding various ideas and reasons for the Town to reserve room on the future Telecom tower on the former Lamprey land. He explained the role that his company could play in developing a partnership with the Town in establishing a network, whereby NHNH could operate its own Portal and ISP, with dial high speed internet access for all of our citizens, and sell it to other towns as well. He will develop a model, the height needed for the equipment, costs, and other data.

**V. Selectman's Issues**

*Henry Fuller Tax Abatement*

Jenifer stated the RSA that allowed the Selectmen to hear the issue: RSA 76:16, para. I, states (in part): Selectmen or assessors, for good cause shown, may abate any tax assessed by them or their predecessors....

Shirley and Henry both in attendance. Shirley stated her agreement with Henry about requesting the abatement.

Lloyd read the criteria directly from Loughlin's Municipal Law & Taxation, New Hampshire Practice Vol. 16 (pg 272-273) 26.05 Poverty

"Poverty and misfortune have been regarded as good causes for the granting of an abatement since at least the early part of the 19<sup>th</sup> century. Even though a taxpayer no longer risks being jailed or committed

to a workhouse for failure to pay taxes, poverty and inability to pay continue to be good cause for an abatement. Since a taxpayer would only be seeking an abatement from real estate taxes if he owned and presumably had some equity in real estate, it must be shown that it is not unreasonable for the taxpayer to relocate, refinance, or otherwise obtain additional public assistance. The mere fact that the taxpayer is spending all of his income on the essentials of existence is not sufficient to justify a finding that he is entitled to a tax abatement because of poverty and inability to pay."

Jennifer Landman presented information regarding the options stating: Poverty is a reason for granting abatement, however, equity in the house would conflict with the claim of poverty. Poverty (or the inability to pay due to financial hardship) The NH Municipal Law Association advises that a case went to court where the hardship was 'poverty'. The woman, however, had more than enough equity in the house to cover the property tax, and that she could have obtained a second mortgage or refinanced to pay the outstanding taxes due. The case was appealed, and the court **upheld the decision to deny abatement of taxes as there was value in the equity of the house.**

After discussion, the motion was made by Jack Steiner to deny the abatement, but grant an abatement of the interest for 18 months moving forward from the due date. Passed by unanimous vote.

#### **Bob Landman**

Reimbursement of legal expenses accrued as a result of the vote of the BoS to remove him from his position as the Town's representative to the Rockingham County Planning Commission. Jennifer Landman recused herself and left the room after reading RSA 43:7, allowing a past Selectman to sit on the board to aid in resolving an issue such as this. Lloyd also recused himself due to the existing lawsuits involving the Landmans over the Planning Board ex officio representative issues. He read a statement voicing his disagreement with paying Mr. Landman for his legal expenses. He remained in his seat and participated in the ensuing discussion. Stan Knowles was in the audience and accepted the invitation to participate. Jack Steiner made the motion to reimburse Mr. Landman the \$1,132. Mr. Knowles seconded for purposes of discussion. Mr. Knowles was unfamiliar with any of the details of the issue, so Mr. Landman gave his description of the events and issues, detailing Mr. Waugh's time and other justifications. Mr. Steiner spoke in favor of the motion, voicing the opinion that it was an action taken too hastily by the BoS, and offering his apology for the action. Lloyd Sullivan spoke from his perspective, explaining his rationale for the action. Mr. Knowles asked questions and concluded that both the BoS and Mr. Landman acted hastily, reasoning that Mr. Landman may have settled the issue without the legal action. He then withdrew his second, making it impossible for a vote, killing the issue at that time.

**US Rt. 1/North Rd. Intersection** Bob Landman updated the funding and planning time for the Different projects under consideration by the state DOT.

**Hobbs Fund.** Jennifer Landman explained that the donation to the Greater Piscataqua Community Foundation as the administrator, began at \$25,000, and had grown to \$42,000. According to the GPCF, 20% was to go to support the Town Clock, and 80% for beautification of the Town Square around the Bandstand. Stan Knowles explained that he knew Dot and Paul Hobbs well, and that they had always wanted to improve the steep slope on the east side of the area, hence their donation for the care of the clock and the landscaping. Stan and Bob Strout, the Road Agent, agreed that there was no long range plan for the landscaping, so Jack Steiner volunteered to work with a nursery to develop one.

**EPA Workshop** Lloyd announced the workshop at the Town Hall Sat. 10-1, explaining the reason and goals of it, along with the Chicopee workshop and how the EPA wanted to use the Town and our situation to develop long range models for Best Management Practices for preserving water quality.

Selectmen's Minutes  
23 April 2001  
7:00pm

**Old Home Day** Motion made by Lloyd to establish the date for this year's Old Home Day as June 16, seconded by Jack, passed unanimously.

Lloyd announced the retirement lunch for Jody Nordstrom for Friday at 1-2.

Lloyd announced the Conservation Com. meeting for the NH Bond Bank for the NH Forever warrant article: 4/25, at 4:30.

Lloyd recommended the proposed issuance of an RFP for an update of the existing Sewer Feasibility Study. Jennifer Landman spoke against it, noting the need for a warrant article to approve funds for it, that it is not mentioned in the Master Plan, or in CIP, so we should not be able to do it. Jack Steiner spoke in favor of it, seeing it as a research project for information only, with no action planned without Town-wide discussion. Bob Landman spoke against, noting the lack of discussion of the issue by the Planning Board, or Conservation Commission. Jack suggested the issue be placed on the agendas of those boards, send out the RFP to establish a cost, and involve more people in the decision.

**Town Information Board Sign** To be located in front of the Police Department. The support posts to be rough granite, used, approx. 7"x7"x 10'-6" for \$600, from A.W. Raitt, in South Berwick, Maine.

**VI. Business/Admin.**

Minutes of 4/9/01 approved.

Payrolls approved

Manifests approved

CDBG admin requisition signed

Executive Council Newsletter - distributed

DES Wetlands Permits (2) noted

CEDS letter signed

Adjourned 9:45pm

Respectfully Submitted,

Jack Steiner  
Selectman